

28 FEB 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

23932
JENKINS & GILCHRIST, P.C.
1455 Ross Avenue, Suite 3200
Dallas, TX 75202

In re Application of :
SVENSSON, Jan-Olof *et al* :
U.S. Application No.: 10/506,415 :
PCT No.: PCT/EP03/01548 :
Int. Filing Date: 14 February 2003 :
Priority Date: 04 March 2002 :
Attorney's Docket No.: 47253-00041USPX :
For: A BATTERY PROTECTION CIRCUIT :

DECISION

This is a decision on the papers filed on 09 December 2004 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 17 November 2004, applicants purportedly filed an executed declaration.

On 26 November 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905)

On 09 December 2004, applicants filed a 'Response to Notification of Missing Requirements Under 35 U.S.C. 371' which was accompanied by, *inter alia*, a copy of documents purportedly filed 17 November 2004 and a date-stamped postcard receipt for the aforementioned documents.

On 05 January 2005, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements of 09 December 2004.

DISCUSSION

Applicants claim that an executed declaration and a surcharge fee were submitted on 17 November 2004 in the above-captioned application. A review of the file shows that there is no record of a declaration received until 09 December 2004. However, USPTO financial records reveal that the surcharge fee of \$130.00 was paid on 17 November 2004.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed

thereon on the date stamped thereon by the USPTO.

In this case, applicants provided a copy of the date-stamped postcard receipt for the documents submitted 17 November 2004. The postcard receipt records that among the papers filed included a "Copy of Executed Declaration and Check in the Amount of \$130.00." The postcard receipt is stamped "DT07 Rec'd PCT/PTO 17 NOV 2004" across its face. The title, applicant and attorney docket number were listed on the postcard receipt.

Accordingly, applicants have provided *prima facie* evidence that a declaration was originally received in the above-captioned application on 17 November 2004.

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 05 January 2005 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing including mailing a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) Indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements of 17 November 2004.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302